



3106 - NV

H19

Department of Energy  
Washington, D.C. 20585

December 18, 1984

MEMORANDUM FOR: Major General William W. Hoover, USAF  
Assistant Secretary for Defense Programs

FROM: James U. DeFrancis *James U. DeFrancis*  
Principal Deputy Assistant Secretary  
for Congressional, Intergovernmental and  
Public Affairs

SUBJECT: Compact of Free Association Issues

On Thursday, December 13, the Office of Micronesian Status Negotiations (OMSN) held a Working Group meeting on the status of the Compact of Free Association between the Micronesian people and the U. S. Government. Attendance at the meeting included representatives of the Departments of Justice, Defense, Energy, Interior, and State.

One of the key issues discussed at the meeting was the strong feeling of the Department of Justice (DOJ) and OMSN that any agency responding to the Congress, other agencies, or to other interested parties on matters concerned with the Compact should clear the response through the cognizant DOJ attorney(s) and OMSN officials. This is to avoid the possibility of adversely affecting pending litigation on the Marshall Islands radiation claims or negative consideration of the Compact by the Congress. Mr. Bob Shanks, DOJ representative to the OMSN Working Group, is preparing a memorandum to all member agencies on this issue which will include a formal request that all such matters be forwarded to DOJ for consideration. I will provide you with a copy as soon as it is received.

The primary concern is that the Compact and all its legal and monetary ramifications could be jeopardized by unwittingly providing either the Congress or the litigants against the United States Government with undue information that could be interpreted as detrimental to our interests. Therefore, I strongly recommend that the DOE response to the letter from the Department of the Interior (DOI) dated July 5, 1984, concerning the resettlement of Eneu be cleared by both OMSN and DOJ. Also, that DOE should not participate in a meeting proposed for January 1985 between representatives of DOE, DOI, Dr. Henry Kohn, and his associates regarding further study of resettling the Bikini people to Eneu without approval of DOJ and OMSN. My staff will be available, as necessary, to assure coordination.

I will keep you informed on this issue and further developments related to the Compact.

cc: Roger Ray - NAVOO  
John Rudolph - DP

*John Rudolph's File E.H.*  
*Box 2 of 18*

PAGES: 1

DATE: 1/7/84

(NOT COUNTING COVER PAGE)

TO: John Rudolph

353-3618

FROM: Gris Morris

252-4613 1870

	<u>FORRESTAL</u>	<u>GERMANTOWN</u>	<u>CENTURY XXI</u>
SEND:	252-1567	353-5232	353-5877
CONFIRM:	252-2293	353-3010	353-3319

**NOTES**

The attached draft letter  
will be discussed w/ Mr. Francis  
today and sent in final.  
Are my facts accurate?  
Call me please!

UNCLASSIFIED

15/25/04 TELECOPIER

DP-3

Compact Of Free Association Issues

James U. DeFrancis, Principal Deputy Assistant  
Secretary for Congressional,  
Intergovernmental and Public  
Affairs

Thank you for your memorandum dated December 18, 1984 advising Defense Programs to coordinate our response on the resettlement of Bikini Atoll with the Department of Justice (DOJ) and the Office of Micronesian Status Negotiations (OMSN). We are aware of the sensitive aspects of this issue. We have been working very closely with the DOE program offices involved and will certainly coordinate our letter to the Department of the Interior (DOI) with all the appropriate and involved parties.

As in the past, we in Defense Programs are cooperating on Congressional inquiries regarding the resettlement of Bikini or any other radiological issue resulting from atmospheric testing in the Marshall Islands. Our records and files are available to Congressional staff members or representatives. As the single source of scientific data and policy decisions made by our predecessor agency, the Atomic Energy Commission, we cannot deny access to this valuable information.

OCC and

Our staff has been in contact with Mr. Bob Shanks of the DOJ and he advises us to meet with Dr. Kohn and his committee on the resettlement issues of Bikini. Dr. Kohn's committee, while mandated by Congress, is composed of our National Laboratory scientists--the foremost experts in the world on the radiological condition of Bikini Atoll. We do not think it appropriate to cancel our meeting with Dr. Kohn's committee and we have discussed this with the DOJ. They have offered to send a representative to that meeting as an observer and we have accepted that suggestion.

We understand that there have been recent meetings at OMSN with DOJ and DOE representatives and we would appreciate a debriefing. We believe it is essential that we be represented and attend any meetings on the Compact of Free Association and the resettlement of Bikini Atoll. Any assistance you can provide in coordinating with my office will be greatly appreciated. John Rudolph in the Office of Military Application is our point of contact and can be reached at 353-3618.

William W. Hoover  
Assistant Secretary  
for Defense Programs

*changes provided  
1/7/85*

MEMORANDUM  
OF CALL

Previous editions usable

TO:

☐ YOU WERE CALLED BY-

☐ YOU WERE VISITED BY-

OF (Organization)

☐ PLEASE PHONE ►

☐ FTS

☐ AUTOVON

☐ WILL CALL AGAIN

☐ IS WAITING TO SEE YOU

☐ RETURNED YOUR CALL

☐ WISHES AN APPOINTMENT

MESSAGE

*lti fm de France  
dtd 18th upsets WWH  
Tuler + Ofte preparing  
response -- do not  
circulate*

RECEIVED BY

DATE

TIME

63-110 NSN 7540-00-634-4018

STANDARD FORM 63 (Rev. 8-81)

Prescribed by GSA

FPMR (41 CFR) 101-11.6